Who Could Claim to Know? Social Position, Procedural Role, and Epistemic Stance in Judicial Testimony from Colonial New Spain

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Historical legal records provide rare access to speakers who left little self-authored writing, although they preserve speech through procedural and scribal mediation. This study examines how participants in seventeenth- and eighteenth-century judicial proceedings claimed, attenuated, attributed, or suspended responsibility for knowledge. It asks whether epistemic stance was conditioned by social position, procedural role, evidential access, and relative power.

The hypotheses build on evidence that stance and evidential choices in depositions construct credibility and vary across witnesses and recorders (Grund 2013, 2021). In Colonial Spanish, tentativeness and indirectness depend on relative power, although institutional formulae complicate a simple rank-to-deference mapping (King 2011, 2025). Scribal representation may also reorganize speech events and assign evidential status to hearsay (Thomas 2023). Social rank is therefore analyzed together with locally constituted rights to know.

The data come from CORDIAM-Documents[1]. Using the corpus's modern geographical metadata, the study selects legal documents produced between 1602 and 1799 in colonial New Spanish jurisdictions within the territory corresponding approximately (more or less) to present-day Mexico; Mexico is thus a cataloguing category, not the historical polity. Searches retrieved 3,457 unique candidate concordances from 501 documents. Conservative screening retained 2,017 candidates, flagged 916 for manual review, and excluded 524. These figures describe retrieval and validation, not social conditioning.

The variable domain comprises contexts in which a participant displays a proposition´s source, certainty, or responsibility. Saber (know), constar (be known as fact), ver (see), creer (believe), parecer (seem), oír decir (hear tell), no saber (not know), and no acordarse (not remember) are retrieval cues, not automatically equivalent variants. Inclusion depends on discourse function in expanded context. Tokens are coded for strategy, information source, polarity, function, procedural role, power relation, documented sex/gender and social categorization, period, document type, and mediation. Historical labels are preserved verbatim and treated as document-internal categorizations, not homogeneous transhistorical identities.

Codified tokens, 1,030 (51.1%) express asserted or direct knowledge, 593 (29.4%) suspend commitment, 302 (15.0%) attribute knowledge to reported sources, and 92 (4.6%) express belief or inference. Examples 1-4 illustrate these strategies with English translations.

Two linked hypotheses are tested, so the first one, subordinate participants should favor reported-source or noncommittal strategies when testimony concerns superior actors or high-risk claims, after controlling for information source. Second one, procedural role, should moderate this pattern: a subordinate eyewitness or complainant may claim stronger authority than a higher-status accused person. A hierarchical multinomial model evaluates social position by procedural role and power relation, controlling for information source, period, document type, and

[1] https://www.cordiam.org/

mediation. Document, speaker, and scribe are grouping factors where identification and density permit. Manual validation and independent double coding precede inference. The analysis thus treats epistemic authority as an interactional, institutionally mediated accomplishment. See examples below in historical Spanish, English translation and *Assigned role (function)* (1 a-d).

		Historical Spanish	**English**	**Assigned role (function)**
(1)	a	Y que esto es la verdad e lo que sabe y lo declaró... (1602, CORDIAM)	*[...] And that this is the truth and what he knows, and he declared it...*	Asserted knowledge; formulaic closing
	b	Dijo que no lo sabe ni ha oído decir cosa alguna de las que le preguntan... (1724)	*He said that he does not know it, nor has he heard anything said about what he is being asked…*	Nonknowledge and denial of hearsay
	c	Respondió que lo que ha dicho es lo cierto, que le consta como lo ha declarado... (1740)	*She answered that what she has said is true and that she knows it to be the case, as she has declared…*	Strong commitment; defense of credibility
	d	A lo que le parece a la declarante... (1797)	*In the declarant's view' / 'as it seems to the declarant.*	Belief or inference; attenuation

References in this abstract

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